

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,

Plaintiff,

vs.

MOSHE ADMON, DANIEL AUDERER,
JUSTIN BOOKER, FREYA BRIER, CITY OF
SEATTLE, NATHAN CLIBER, ZACHARY
COOK, BENJAMIN COOMER, ANITA
CRAWFORD-WILLIS, JENNY DURKAN,
JAMES ERVIN, DAVID ESTUDILLO,
MARSHAL FERGUSON, MICHAEL FOX,
COREY FOY, AMY FRANKLIN-BIHARY,
WILLIAM GATES, III, STEVEN
GONZALEZ, TYLER GOSLIN, WILLIE
GREGORY, OWEN HERMSEN, JAY
INSLEE, DAVID KEENAN, GABRIEL
LADD, DANIEL LENTZ, MAGALIE
LERMAN, MARY LYNCH, SARAH
MACDONALD, ANTHONY MARINELLA,
RICARDO MARTINEZ, BRADLEY MOORE,
KATRINA OUTLAND, JESSICA OWEN,
PCC NATURAL MARKETS, KYLE
REKOFKE, STEVEN ROSEN, BLAIR RUSS,
UMAIR SHAH, SPROUTS FARMERS
MARKET, MICHAEL THURSTON, JARED
WALLACE, SANDRA WIDLAN,

Defendants.

NO. 2:23-cv-01392-JNW

**DEFENDANT NATHAN CLIBER'S
JOINDER OF THE CITY OF
SEATTLE'S MOTION FOR A
VEXATIOUS LITIGANT ORDER
AGAINST PLAINTIFF KURT A.
BENSHOOF**

Comes now Defendant Nathan Cliber (“Defendant Cliber”) and files this Joinder of Defendant City of Seattle’s Motion for Vexatious Litigant Order Against Plaintiff Kurt A. Benshoof (the “Motion”), Dkt. 250, and states in support thereof as follows:

Defendant Cliber joins in the City of Seattle’s Motion and incorporates the same as if fully stated herein. For the reasons stated in the City of Seattle’s Motion, Defendant Cliber respectfully requests that this Court enter the City of Seattle’s [Proposed] Vexatious Litigant Order Against Kurt A. Benshoof, Dkt. 250-1. Further, if the Court grants the Motion, Defendant Cliber respectfully requests that the Order Restricting Abusive Litigation of Kurt Benshoof, entered by Judge Ferguson in King County Superior Court Case No. 22-2-15958-8 SEA on March 31, 2023, attached hereto as **Exhibit A**, be attached to this Court’s Order granting the Motion as an exhibit.

The undersigned certifies that this memorandum contains 141 words, in compliance with the Local Civil Rules.

Dated: July 23, 2024

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Sarah N. Turner
Sarah N. Turner, WSBA No. 37748

By: /s/ Michael C. Tracy
Michael C. Tracy, WSBA No. 51226
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Attorneys for Defendant Nathan Cliber

EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND OF THE COUNTY OF KING

KURT BENSHOOF,

Plaintiff,

v.

NATHAN CLIBER, JESSICA OWEN,
MAGALIE LERMAN, and OWEN
HERMSEN

Defendants.

NO. 22-2-15958-8 SEA

**ORDER RESTRICTING ABUSIVE
LITIGATION OF KURT BENSHOOF**

This Court has determined that Kurt Benshoof is a vexatious litigant, that he has engaged in an extensive pattern of abusive litigation and weaponization of the court system against Defendants, and that Defendants are entitled to entry of an order restricting Mr. Benshoof's ability to file abusive legal actions against them, their friends and family, and their respective counsel. *See* Dkt. #177 (Order Granting Defendants' Joint Motion for a Vexatious Litigant Order Against Plaintiff, And Temporary Order Restricting Abusive Litigation By Kurt Benshoof). The Court incorporates that order by reference as if set forth fully herein and makes the following additional findings and final orders:

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
BENSHOOF - 1

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COPY

PRIOR ABUSIVE FILINGS BY MR. BENSHOOF

King County Superior Court Cause No. 22-2-02932-3 SEA

1. On March 1, 2022, Mr. Benshoof filed his first of several complaints against Ms. Owen arising from his claim that Ms. Owen had converted his Toyota FJ Cruiser, which was titled in Ms. Owen's name.

2. After Ms. Owen voluntarily transferred title to Plaintiff, that matter was dismissed.

3. However, and despite the vehicle being voluntarily transferred to him, Plaintiff continued to allege facts in this case (and others) regarding the vehicle.

King County Superior Court Cause No. 22-2-03826-8 SEA

1. On March 16, 2022, Plaintiff filed another complaint against Ms. Owen.

2. In that complaint, Mr. Benshoof alleged claims of constructive fraud and infliction of emotional distress relating to a previously shared residence (titled in Ms. Owen's name). Further, and similar to the allegations alleged in this matter, Mr. Benshoof claimed that Ms. Owen wrongfully filed police reports against him.

3. On June 24, 2022, Ms. Owen filed a motion to dismiss Mr. Benshoof's claims in that lawsuit pursuant to CR 12(c). Judge Robertson granted Ms. Owen's motion on July 22, 2022, and his claims were dismissed with prejudice. Judge Robertson determined Mr. Benshoof's claims were either time-barred or failed to state a claim upon which relief could be granted.

4. As to the claims concerning Ms. Owen's communications with law enforcement, those were dismissed because they did not remotely rise to anything close to a viable cause of action.

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
BENSHOOF - 2

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1 5. Additionally, Judge Robertson's order admonished Mr. Benshoof's filings as
2 follows:

3 Plaintiff improperly attempt[ed] to "amend" the complaint via a
4 filing of an "amended" complaint coupled with what purports to be
5 criminal allegations. These items were all filed on 7/15/22 without
6 leave of this court. Plaintiff failed to comply with CR 15 to permit
7 an amendment of the complaint. However, *even if* this amended
8 complaint were to be considered, it falls under the same merits as
9 above [time-barred & failure to state a claim upon which relief can
10 be granted].

11 Plaintiff's Response to this motion was improper and untimely, and
12 Plaintiff failed to follow local rules regarding service of working
13 copies to the Court. However, the response was given consideration
14 by this Court as if it were filed timely. In this Response, Plaintiff
15 failed to provide any legal basis to deny Defendant's motion [to
16 dismiss].

17 **King County Superior Court Case No. 22-2-1112-7 SEA**

18 1. On July 18, 2022, Mr. Benshoof filed an 85-page Petition for Writ of Habeas
19 Corpus and named Mr. Cliber, Judge David Keenan, Commissioner Jason Holloway, Ms.
20 Owen, Ms. Lerman, and one other individual as Respondents. The writ was denied three days
21 after it was filed and the case was dismissed.

22 **King County District Court Cause No. 22CIV11976KCX**

23 1. On August 2, 2022, Mr. Benshoof attempted to obtain an anti-harassment
protection order against Mr. Cliber based on Mr. Cliber's representation of Ms. Owen in the
Parentage Action. The court denied Mr. Benshoof's request.

**U.S District Court for the Western District of Washington Cause No. 2:22-cv-
01281-LK and King County Superior Court Cause No. 22-2-15745-3 SEA**

 1. Following Judge Robertson's dismissal of his claims, Mr. Benshoof filed two
other complaints against Ms. Owen on September 9, 2022, and September 29, 2022,
respectively.

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
BENSHOOF - 3

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2. In the first of these two actions (the “Federal Action”), Mr. Benshoof filed a litany of allegations against dozens of people, including all named Defendants here and multiple sitting King County Superior Court Judges.

3. On September 26, 2022, Judge Lauren King dismissed Mr. Benshoof’s nearly 300-page complaint *sua sponte*.

4. Three days later, Mr. Benshoof filed another action which was nothing short of a re-filing on the exact same claims previously dismissed by Judge Robertson (King Co. Sup. Ct. No. 22-2-15745-3).

King County Superior Court Cause No. 22-2-15958-8 SEA (this case)

1. On October 3, 2022, Mr. Benshoof filed the present action. When Ms. Owen sought to consolidate this matter with the other matter assigned to Judge Robertson, Mr. Benshoof filed an affidavit of prejudice. This was a concerted effort to circumvent the prior orders of the Superior Court.

2. This case marked the fifth civil complaint filed by Mr. Benshoof against Ms. Owen in a nine-month period. In this action, Mr. Benshoof cited to the above-mentioned, previously adjudicated matters, King County Superior Court Cause Nos. 21-5-00680-6 SEA and 21-2-11149-8 SEA, alleging, among other things, “Defendants Cliber and Owen illegally or improperly perverted the King County Family Court system against Plaintiff.”

3. When Ms. Owen and Mr. Cliber availed themselves of the protections found in Ch. 4.105 RCW, Mr. Benshoof responded by threatening to file yet more litigation against the same parties arising out of the same “facts”.

4. On March 17, 2023, this Court dismissed the one remaining claim asserted by Mr. Benshoof after having previously dismissed all other claims.

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
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Based on the factual findings above, this Court concludes that Mr. Benshoof has engaged in an extensive pattern of abusive litigation and weaponization of the court system against these defendants, their friends and family, and their attorneys. This pattern of abusive litigation has taken a significant emotional and financial burden on the defendants. Accordingly, the Court imposes the following filing restrictions against Mr. Benshoof.

FILING RESTRICTIONS

Based on the pattern of abusive litigation detailed above, the court enters the following filing restrictions which will apply to any and all future litigation Mr. Benshoof may attempt to bring. These restrictions shall be in effect for five (5) years from the date of the entry of this order.

1. Kurt Benshoof is hereby **ENJOINED AND RESTRAINED**, in both an individual and in any representative capacity, from initiating any litigation whatsoever in any Superior Court in the state of Washington against Defendants, their attorneys, their friends and family, or any other person related or connected to Defendants (collectively, "Persons Covered by This Order"), unless Mr. Benshoof first obtains advanced approval from this Court.

2. To obtain advance approval from this Court, Mr. Benshoof shall submit an application to the undersigned Judge/Department 31 in the form of a one-page document, in twelve-point type, that provides a summary of the parties involved and the proposed claims or issues.¹ The proposed complaint/petition shall be attached to the summary. No other

¹ Mr. Benshoof shall submit the application by filing it under the current case caption, King County Superior Court Case No. 22-2-15958-8 SEA, with copies served via e-mail on all parties and counsel of record.

1 exhibits or attachments may be included. The Court may, at its discretion, request a response
2 from Persons Covered by This Order before ruling on Mr. Benshoof's application.

3 3. Any new case against Persons Covered by This Order filed by Mr. Benshoof
4 with Court approval in King County Superior Court shall be assigned to the undersigned
5 judge/Department 31.

6 4. If Mr. Benshoof seeks to commence a new action against Persons Covered by
7 This Order in a court *other than* a Superior Court, Mr. Benshoof must first bring a motion in
8 the other court for leave to proceed with the action. The motion must be filed
9 contemporaneous to the filing of the complaint or petition. The motion for leave must
10 demonstrate that good cause exists to permit the action to proceed given the claims raised in
11 the new complaint and Mr. Benshoof's past litigation abuses. If the reviewing court finds
12 good cause has not been show for the action to proceed, it may dismiss the action with
13 prejudice. If the reviewing court determines that sanctions are warranted, it may impose
14 sanctions at the same time the action is dismissed. Mr. Benshoof shall have an opportunity to
15 explain in writing why sanctions should not be imposed in a post-dismissal motion for
16 reconsideration within ten (10) days of the dismissal.

17 5. Mr. Benshoof shall submit a copy of this Order with any future lawsuit he files
18 or attempts to file in any court, including (but not limited to) any federal court.

19 6. If Mr. Benshoof fails to abide by the terms of this Order, any party may move,
20 or the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt
21 finding could result in the imposition of jail time as a sanction. The Court has attached the
22 Knight warnings to this Order.

23
ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
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DONE this 31st day of March, 2023.


The Hon. Marshall Ferguson

Presented by:

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Kyle J. Rekofke
Kyle J. Rekofke, WSBA #49327
Attorney for Defendant Nathan Cliber

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By: AM
Anthony S. Marinella, WSBA #55611
Attorney for Defendant Jessica Owen

ADMON LAW FIRM, PLLC

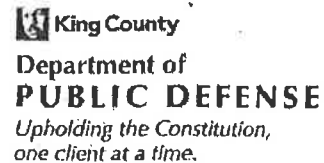
By: /s/ Moshe Y. Admon
Moshe Y. Admon
Attorney for Defendants Lerman and Hermesen

CONTEMPT "KNIGHT" WARNING

1. If this court finds you in contempt of court, jail time is an immediate possibility. Consequently, you have a right to counsel.
2. You may hire private counsel at your own expense, but the court is referring you to the Department of Public Defense (formerly the Office of Public Defense) where an attorney will be provided if you cannot afford to hire private counsel. It is your responsibility to contact the Department of Public Defense for screening. You are being provided with the contact information for the Department of Public Defense with this notice.
3. If you do not contact the Department of Public Defense or hire private counsel, your conduct will be deemed dilatory, which means you have failed to follow through on your obligation. As a consequence, the court can find that you have forfeited your right to an attorney.
4. If you are found to have forfeited your right to an attorney, the court will require you to proceed in the matter without representation by counsel. Without an attorney, you risk failing to assert defenses to contempt or effectively explaining to the court why you should not be held in contempt. Without an attorney you also may miss an opportunity to present information that could mitigate or make less severe any sanctions imposed if you are found to be in contempt. Given that I have advised you that a possible sanction for contempt is jail, I urge you seek counsel now.

King County Superior Court

**Important notice to defendants accused
of a crime or involved in a dependency action**



If you cannot afford a lawyer, you must be screened and determined eligible for a public defender. **There are two ways to be interviewed:**

**1. Call the King County Department of Public Defense (DPD) at (206) 477-9727
Monday through Friday from 8 a.m. to 5 p.m.**

**2. Report in person to a DPD screening office:
King County Courthouse, 516 3rd Ave, Room E-820, Seattle
Mondays and Wednesdays from 8 a.m. to 5 p.m.**

**Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032
Room 1-B**

Tuesdays and Wednesdays from 8 a.m. to 5 p.m.

You can also email DPDScreening@kingcounty.gov to have a DPD screener contact you.

You will likely have a better outcome if you discuss your case with your attorney as soon as possible. To see if you qualify for a public defender, contact DPD immediately. Even if an attorney was originally assigned to you while you were in custody, you must still call DPD upon release to see if you continue to qualify. **SCREEN EARLY! DON'T WAIT!**

**Aviso importante a los acusados, acusado de un delito o
involucrados en un caso de dependencia**

Si usted no puede pagar a un abogado, debe ser entrevistado y determinado si es elegible para tener un defensor público. Hay dos maneras para hacer la entrevista:

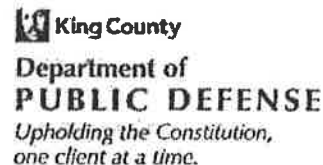
**1. Llame el Departamento del Condado de King de los
Defensores Públicos (DPD) en (206) 477-9727 el lunes al viernes desde las 8:00 AM
– 5:00 PM**

**2. Aparecer en persona a la Oficina de Defensores Públicos a:
King County Courthouse, 516 3rd Ave, Seattle, WA 98104
Los lunes y miércoles entre los horarios 8:00 AM – 5:00 PM
Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032
Sala 1-B**

Los martes y miércoles entre los horarios 8:00 AM – 5:00 PM

Usted podría tener los mejores resultados si puede discutir sobre su caso con su abogado lo más pronto que sea posible. Para averiguar si usted califique por tener un defensor público, debe comunicarse con DPD inmediatamente aunque ha tenido un defensor público mientras usted estaba encarcelado, aun debe comunicarse con DPD cuando salga de la cárcel para averiguar si sigue siendo elegible. Haga su entrevista pronto.

Usted también puede mandar un email a DPDScreening@kingcounty.gov para comunicarse con uno de los entrevistadores.



King County Superior Court